

Message Text

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E.O. 11652: N/A

TAGS: ETRD, GW

SUBJECT: NEW JERSEY COURT DECISION REGARDING "BUY AMERICAN"
LAWS

REF: BONN 21525 '77

1. THE SUPREME COURT OF NEW JERSEY HAS UPHELD NEW JERSEY'S
BUY AMERICAN LAW IN A SUIT BROUGHT BY LINDA FAZIO, A
RESIDENT OF CLIFTON, N.J. AND K.S.B. TECHNICAL SALES CORP.,
A GERMAN MANUFACTURER OF WATER PUMPS.

K.S.B. HAD SUED THE NORTH JERSEY DISTRICT WATER SUPPLY
COMMISSION, WHICH DELIVERS DRINKING WATER TO EIGHT TOWNS IN
NORTH NEW JERSEY.

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2. THE NEW JERSEY STATE LAW PROHIBITS THE USE OF FOREIGN
MADE PRODUCTS IN PUBLIC WORKS OF A PERMANENT NATURE SUCH AS
HIGHWAYS, BRIDGES, BUILDINGS, ETC. HOWEVER, FOREIGN GOODS
MAY BE USED IN PUBLIC WORKS IF THE U.S. MATERIALS ARE
NOT OF SATISFACTORY QUALITY, OR IF THE COST WOULD BE
UNREASONABLY INCREASED, OR IF IT WOULD BE IMPRACTICAL TO

APPLY THE BUY AMERICAN REQUIREMENT. CURRENTLY THE NEW JERSEY GOVERNMENT DOES NOT PLACE "BUY AMERICAN" RESTRICTIONS

ON THE PURCHASE OF OTHER ITEMS SUCH AS OFFICE EQUIPMENT, TEXTILES, ETC., AND DOES NOT ANTICIPATE THAT THE COURT DECISION WILL AFFECT ITS CURRENT PURCHASING POLICIES. THE NEW JERSEY ATTORNEY GENERAL'S OFFICE WILL BEGIN TO ANALYZE THE IMPLICATIONS OF THE DECISION NEXT WEEK.

3. THE N.J. ATTORNEY GENERAL'S OFFICE HAS SAID IT WILL SEND A COPY OF THE COURT'S DECISION TO THE DEPARTMENT NEXT WEEK. THE DEPARTMENT WILL AIRPOUCH A COPY TO EMBASSY.

4. MR. SIEBERT, THE DIE WELT REPORTER, SAID HE UNDERSTOOD THAT "BUY AMERICAN" LAWS EXIST IN PRACTICALLY ALL THE STATES, BUT HE DOES NOT HAVE A LIST. THE DEPARTMENT HAS INFORMATION (WHICH MAY BE OUT OF DATE) THAT ONLY SEVEN STATES CURRENTLY HAVE "BUY AMERICAN" LAWS IN EFFECT. VANCE

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